

method would not be applicable to *A. flavus* material, even at this late stage in the prosecution.

Attached is the declaration of Gérard Loison, one of the named inventors of the above-captioned application. Accompanying the declaration are Appendices A and B which lists Dr. Loison's publications and an article by Chirgwin et al. ("Chirgwin"), respectively. To summarize, Dr. Loison explains that the unique structure of *A. flavus* mycelia, namely, the presence of a polysaccharide cell wall, precludes the use of Reddy's mRNA extraction technique. Applicants were forced to develop their own mRNA extraction protocol, which is described at page 12 of the specification. Thus, the record now reflects that Reddy did *not* enable the cloning of any urate oxidase and, more specifically, did *not* enable cloning of the urate oxidase recited in the rejected claims. Therefore, the alleged *prima facie* case has not been established.


CONCLUSION

In light of the foregoing remarks, applicants submit that claims 1-7 and 27 and 28 are in condition for allowance and solicit an early indication to that effect. Should Examiner Schmickel believe that further discussion will advance the instant prosecution, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

March 17, 1994  
Date

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